

## **REMARKS**

### **1. Summary of the Office Action**

In the final office action mailed June 25, 2007, the Examiner rejected claims 1, 2, 5-11, 13-18, and 20-21 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,740,549 (hereinafter "Reilly").

### **2. Status of the Claims**

Claims 1, 2, 5-11, 13-18, and 20-21 are pending. Claims 1 and 20 are independent.

### **3. Information Disclosure Statements by Applicant**

Applicant filed an Information Disclosure Statement (IDS) on August 13, 2002. The Examiner has provided a signed copy of the IDS, but Applicant is unsure whether the Examiner has considered all of the references cited on the IDS since there are no initials for the references cited as A, J, K, L, M, T, U, V, W, X, Y, JJ, KK, LL, MM, NN, OO, PP, and QQ. Applicant respectfully requests that the Examiner provide an indication whether all of the references cited on the IDS have been considered.

Additionally, Applicant filed another IDS on April 5, 2007, which was prior to the mailing of the final office action. Applicant respectfully requests that the Examiner provide an indication whether the references on the other IDS have been considered.

### **4. Response to Examiner's General Comments**

The Examiner indicated short of issuing a 112(1) rejection, the third limitation of claims 1 and 20 is interpreted at best as -- pausing by the user a currently watched programming, which is still displayed or shown on the display/replay (as paused content), after a time delay an ad, such as a full page ad, is displayed on the display screen --. The Examiner cited to page 10, third paragraph of the specification.

Applicant submits that a portion of the Examiner's interpretation does not accurately characterize the third limitation of claims 1 and 20. In particular, the third limitation does not recite *pausing* by the user a currently watched program. Rather the third limitation of claims 1 and 20 recite *after entering the pause mode*, displaying paused content on a display of the video replay system during a time delay greater than zero seconds and, after the time delay has elapsed, displaying the ad on the display of the video replay system.

The Applicant does however agree with the portion of the Examiner's interpretation pertaining to the paused content being currently watched programming, which is still displayed or shown on the display/[video] replay [system]. The specification describes an example in which the user chooses to pause programming that he is currently viewing and an ad is displayed 10 or 20 seconds after the display has been paused so that the user no longer sees the paused content on the display and begins seeing the ad. (See, e.g., specification, page 10, lines 19-28).

Additionally, Applicant agrees with the Examiner's interpretation in that the displayed ad is not limited to being only a full page ad. As indicated in the specification at page 10, lines 26-27, the ad displayed in the pause mode is generally a full-page ad, although it could also be another appropriate type of ad.

## **5. Response to Claim Rejections**

As indicated above, the Examiner rejected claims 1, 2, 5-11, 13-18, and 20-21 under 35 U.S.C. § 102(b) as allegedly being anticipated by Reilly. Under M.P.E.P. § 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Independent claim 1 recites a method of displaying an ad on a video replay system, comprising: (i) entering a pause mode in response to a user action, (ii) obtaining an ad, and (iii)

after entering the pause mode, displaying paused content on a display of the video replay system during a time delay greater than zero seconds and, after the time delay has elapsed, displaying the ad on the display of the video replay system.

Similarly, independent claim 20 recites a computer program product, having computer instructions stored thereon to cause a video replay system to perform a method comprising: (i) entering a pause mode in response to a user action, (ii) obtaining an ad, and (iii) after entering the pause mode, displaying paused content on a display of the video replay system during a time delay greater than zero seconds and, after the time delay has elapsed, displaying the ad on the display of the video replay system.

Reilly teaches disseminating information and advertisements to subscribers' computers in a system where the information and advertisements are automatically displayed when a computer is on but meets predefined idleness criteria, such as *the failure to receive any input for a period of at least five minutes*. Reilly further teaches whenever the system detects *a lack of user inputs* via either a keyboard or pointer device (e.g., a mouse or trackball) for a user configurable or otherwise specified length of time (e.g., 5 minutes), the screen saver procedures begin display of news items and advertisements from the local information database. Further, Reilly teaches under the control of screen saver procedures, news stories and an advertisement assigned to a first information category are displayed using a first display script for 30 seconds, then news stories and an advertisement assigned to a second information category are displayed using a second display script for the next 30 seconds.

Applicant respectfully submits that none of this disclosure in Reilly amounts to the invention recited in claims 1 and 20. Although Reilly teaches *beginning* to display news items and advertisements from the local information database whenever the system detects *a lack of user*

*inputs* via either a keyboard or pointer device for a user configurable or otherwise specified length of time, Reilly fails to teach or suggest the combination of functions recited in claims 1 and 20 including (i) entering a pause mode *in response to a user action*, and (ii) *after entering the pause mode, displaying paused content* on a display of the video replay system during a time delay greater than zero seconds and, after the time delay has elapsed, displaying the ad on the display of the video replay system.

The Examiner asserted that the user's action not to issue any command to the computer system via a keyboard or mouse (as disclosed by Reilly) is considered as the user's action or decision not to do anything. (Office action, page 2, lines 18-19). Under M.P.E.P. § 2111.01, the words of a claim must be given their plain meaning unless the plain meaning is inconsistent with the specification. Applicant submits that the plain meaning of "user action" cannot reasonably be a user not issuing any command to a computer system via a keyboard or mouse, since a user not issuing any command to a computer system via keyboard or mouse would be "user inaction," not "user action."

Additionally, even if it is assumed *arguendo* that a lack of user inputs via either a keyboard or pointer device for a user configurable or otherwise specified length of time is somehow a "user action," which Applicant does not concede, Reilly does not teach or suggest *entering a pause mode* in response to a user action. This is because Reilly discloses that the screen saver procedures *begin* the display of news items and advertisements from the local information database whenever the system detects the lack of user inputs. (See, e.g., Reilly, col. 11, lines 43-48). Applicant submits that *beginning* the display of news items and advertisements does not amount to entering a pause mode because nothing is paused.

The Examiner also asserted that Applicant's claimed pause mode is equivalent to the idle period in Reilly. (Office action, page 2, lines 18-19). Applicant submits that the idle period in Reilly does not teach or suggest Applicant's pause mode because the claimed pause mode occurs *in response* to a user action, whereas the idle period in Reilly *is* (in the Examiner's rationale) the user action (i.e., the Examiner has argued that the inaction during the idle period is a "user action").

Since Reilly does not teach or suggest entering a pause mode in response to a user action, Applicant submits that Reilly cannot teach or suggest after entering the pause mode, displaying paused content on a display of the video replay system during a time delay greater than zero seconds and, after the time delay has elapsed, displaying the ad on the display of the video replay system, as recited in claims 1 and 20.

Because Reilly does not teach or suggest each and every element of claims 1 and 20, Reilly fails to anticipate claims 1 and 20 under 35 U.S.C. § 102(b). Additionally, without conceding any assertion made by the Examiner in rejecting claims 2, 5-11, 13-18, and 21, Applicant submits that dependent claims 2, 5-11, 13-18, and 21 are allowable over Reilly for at least the reason that each of these claims depend from allowable claim 1.

## **6. Conclusion**

Applicant believes that all of the pending claims have been addressed in this response. However, failure to address a specific rejection or assertion made by the Examiner does not signify that Applicant agrees with or concedes that rejection or assertion.

For the foregoing reasons, Applicant submits that claims 1-2, 5-11, 13-18, and 20-21 are in condition for allowance. Therefore, Applicant respectfully requests favorable reconsideration and allowance of all the pending claims.

Respectfully submitted,

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